

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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ERASTO ARROYO BARCENAS, et al.,

Plaintiffs, Individually and on  
Behalf of the Class of Those  
Similarly Situated,

v.

STEVEN MCCRAW in his individual  
capacity, et al.,

Defendants.

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Case No. 1:22-cv-00397-RP

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**RESPONSE TO NOTICE REGARDING AMICUS BRIEF**

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Undersigned counsel hereby responds to Plaintiffs' notice to the Court regarding amicus brief. Plaintiffs are correct that the email exchanged between Plaintiffs' counsel and undersigned indicates that they oppose the filing of an amicus brief. Unfortunately, and inadvertently, I misread the email as stating that Plaintiffs did not oppose the filing of an amicus brief while asserting that such a brief would be untimely under "FRCP 29." I apologize to both the Court and Plaintiffs for my mistaken misrepresentation. Further, I would simply note that there is no deadline for filing amicus briefs under Federal Rules for Civil Procedure. The Federal Rule for Appellate Procedure 29 imposes a 7-day deadline for amicus briefs, but no corresponding deadline is applicable here.

Amicus asks the Court to consider its pending motion for leave to file an amicus brief as an opposed motion for leave and grant the motion for the reasons set forth therein.

Respectfully submitted on August 23, 2022,

*/s/ Matt Crapo*

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 23, 2022, a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) and served on all counsel of record.

/s/ Matt Crapo

MATT A. CRAPO